



The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires local educational agencies (LEAs) that receive federal education funds to provide military recruiters with the **same access to secondary school students and student information** that is provided to institutions of higher education and prospective employers. These requirements are set forth in **ESEA Section 8528 (20 U.S.C. § 7908)**.

### **Federal Requirements for LEAs**

#### **Equal Access**

LEAs receiving federal funds must provide military recruiters the **same access** to secondary school students as is provided to:

- institutions of higher education, and
- prospective employers  
(e.g., career fairs, campus visits, informational sessions).

LEAs may impose reasonable, content-neutral conditions on access (such as scheduling or supervision), provided these conditions are applied **equally** to all entities.

#### **Student Information Disclosure**

Upon request, LEAs are required to provide the following student information to military recruiters **unless a written opt-out request is on file**:

- Student name
- Address
- Telephone number

Additional information (such as a district-provided student email address) may be disclosed **only if designated as directory information under district policy**.

#### **Parent and Student Opt-Out Rights**

- Parents or legal guardians of students under age 18 may submit a **written request** to prevent disclosure of their student's information.
- Students who are **18 years of age or older** may submit the request on their own behalf.
- LEAs **may not require opt-in consent** or implement alternative processes that restrict access beyond the **written opt-out** provided for in federal law.



### **Annual Notification Requirement**

LEAs must **annually notify** parents and eligible students of:

- the right to opt out of disclosure to military recruiters, and
- the process for submitting a written opt-out request.

The law requires annual notice; it does **not require annual resubmission** of opt-out requests unless determined by local district policy.

### **Important Clarifications**

- These requirements do **not obligate any student** to speak with a recruiter or to enlist.
- Participation in any interaction with recruiters is **voluntary**.
- FERPA does not supersede the requirements of ESEA Section 8528.

### **Implementation Checklist**

LEAs should ensure:

- Opt-out processes are integrated into existing annual student information notifications.
- Opt-out decisions are honored consistently across all schools in the district.
- Staff understand that recruiter access does not require student participation.
- Opt-out requests are collected, recorded, and applied consistently using standardized procedures.

For questions or technical assistance, please contact [ode.eii@ode.oregon.gov](mailto:ode.eii@ode.oregon.gov).